DIVISIONAL FOREST OFFICER
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THE BOMBAY CIVIL SERVICES CONDUCT, DISCIPLINE AND APPEAL RULES

(REPRINT 1926)

(ii)
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FINANCIAL PUBLICATIONS OF THE GOVERNMENT OF BOMBAY

No. VIII

22/69

PREFACE.

This set of rules comprises Rules made by the Local Government under Rules 48 (2) and 54 of the Civil Services (Classification, Control and Appeal) Rules, 1930.

It is requested that any inaccuracies or omissions may be brought to the notice of the Finance Department.

R. D. BELL,
Chief Secretary to the Government of Bombay.

FINANCE DEPARTMENT :
Bombay Castle,
28th January 1932.

K BA H 1030—1

BOMBAY CIVIL SERVICES CONDUCT, DISCIPLINE AND APPEAL RULES.

1. In virtue of the powers delegeted under clause (2) of Rule 48 and Rule 54 of the Civil Services (Classification, Control and Appeal) Rules, the Government of Bombay are pleased to issue the following rules regulating the conduct of members of the Provincial, Specialist and Subordinate Services, and the discipline, conduct and appeals of members of subordinate services.

2. These rules shall be called the "Bombay Civil Services Conduct, Discipline and Appeal Rules". They shall come into force from [1st September 1932] and shall apply to all Government servants in Superior Service, other than those included in the All-India and Central Services, under the administrative control of the Government of Bombay in so far as they are applicable to them:

Provided that Rules 33, 34, 35, 36, 37, 38, 39 and 41 shall apply to Government servants in inferior service. *Provided further that Rules 4, 5, 11, 19, 22, 26, 27, 30 and 31 shall †[ ] apply to persons serving as revenue patels, police patels or kulkarnis‡ and rules 33 and 34 only to stipendiary revenue patels.

3. Nothing in these rules shall be deemed to affect such rules as the Secretary of State may under Rule 47 of the Civil Services (Classification, Control and Appeal) Rules, declare applicable to members of the Provincial, Specialist and Subordinate Services.

4. All departmental rules and orders in respect of the subjects dealt with in these rules which have been approved or may thereafter be approved by Government, so far as they do not conflict with any provisions of these rules, shall be deemed to apply to Government servants to whom they relate.

5. For the purposes of these rules—

(*a*) "Government servant" means any person holding or exercising any office as a member of a Provincial, Specialist or Subordinate Service, and includes a Government servant lent to a local body §and also persons serving as revenue patels, police patels or kulkarnis;

(*b*) the term "Provincial Service", "Subordinate Service" and "Specialist Service" shall be deemed to bear the meanings respectively attached to them in Bombay Civil Services Recruitment Rules.

6. (1) Save as otherwise provided in the rule, a Government servant shall not, except with the Previous sanction—

(*i*) of Government in the case of a Head of a Department; and

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[ ] Substituted by Correction Slip No. 17, dated 25th October 1937.

* Inserted by Correction Slip No. 23, dated the 2nd June 1941.

† The word "also" deleted by Correction Slip No. 29, dated the 18th July 1945.

‡ Inserted by Correction Slip No. 29, dated the 18th July 1945.

§ Inserted by Correction Slip No. 24, dated the 2nd June 1941.

(*ii*) of the Head of his Department, in the case of any other Government servant in Superior Service,

(*a*) accept directly or indirectly on his own behalf or on behalf of any person; or

(*b*) permit any member of his family so to accept any gift, gratuity, or reward or any offer of a gift, gratuity or reward from a person not a member of his family.

(2) A Political Officer may accept a ceremonial gift from an Indian Prince or Chief if the gift is such that a return present will be made at the expense of Government. A gift so accepted shall be deposited in the Government Toshakhana.

(3) Subject to any general or special order of Government, any Government servant may accept a complimentary present of fruit or flowers or similar articles of trifling value, but all Government servants shall use their best endeavours to discourage the tender of such gifts.

(4) Any Government servant may accept, or permit any member of his family to accept, a gift from a personal friend, provided he is not in a position to confer any benefit upon the donor in the discharge of his official duties and has no reason to suppose that the gift is offered with any ulterior motive.

(5) If a Government servant cannot without giving undue offence refuse a gift of substantial value, he may accept it but shall report the fact of acceptance immediately to the sanctioning authority mentioned in clause (1) and shall thereafter act as such authority may direct.

7. (1) Save as otherwise provided in this rule, a Government servant shall not, except with the previous sanction of Government—

(*a*) receive any complimentary or valedictory address, accept any testimonial presented to him, or attend any public meeting or entertainment held in his honour; or

(*b*) take part in the presentation of a complimentary or valedictory address or of a testimonial to any other Government servant or to any person who had recently quitted the service of Government, or attend a public meeting or entertainment held in honour of such other Government servant or person.

(2) Notwithstanding anything contained in sub-rule (1)—

(*a*) a Government servant may at the request of any public body sit for a portrait, bust, or statue not intended for presentation to him;

(*b*) a Government servant may take part in the raising of a fund to be expended, in recognition of the services of any other Government servant or of a person, who has recently quitted the service of Government, on the foundation of a scholarship or any other public or charitable object or on the execution of any portrait, bust, or statue, not intended for presentation to such other Government servant or person :

Provided that no Government servant shall solicit any subscription in aid of such fund ;

c) Subject to the provisions of any general or special order of Government, a Government servant may attend a farewell entertainment of

a substantially private and informal character held as a mark of regard to himself or to some other Government servant, or to a person who has recently quitted the service of Government, on the occasion of the retirement from the service or departure from a district or station of himself or such other Government servant or person.

[8. A Government servant shall not, save with the sanction of Government or the Commissioner in Sind or the Commissioner of a Division, retain any trowel, key, or other similar article presented to him at a ceremonial function such as the laying of a foundation stone or the opening of a public building.]

9. Subject to departmental rules governing the question, a medical officer may accept any gift, gratuity or reward offered in good faith by any person or body of person in recognition of his professional services.

10. A Government servant may not, without the previous sanction of Government, ask for or accept from any Indian Prince or Chief or the Agent of any Indian Prince or Chief, any subscription or other pecuniary assistance in pursuance of any object whatsoever.

11. Government servants may not enter into any pecuniary arrangement for the resignation by one of them of any office under Government for the benefit of the others. Should this rule be infringed, any nomination or appointment consequent upon such resignation will be cancelled and such parties to the arrangement as are still in the service will be suspended pending the orders of Government.

12. (1) A gazetted officer may not lend money to any person possessing land within the local limits of his authority, nor may he, except in ordinary course of business with a Joint Stock Bank or a firm of standing, borrow money from, or otherwise place himself under a pecuniary obligation to, any person subject to his official authority, or residing, possessing land, or carrying on business within the local limits of such authority.

(2) When a gazetted officer is appointed or transferred to a post of such a nature that a person from whom he has borrowed money, or to whom he has otherwise placed himself under a pecuniary obligation, will be subject to his official authority, or will reside, possess immovable property, or carry on business within the local limits of such authority, he must forthwith declare the circumstances to Government through the usual channel.

(3) The orders contained in this rule apply also to non-gazetted officers, but in the case of the latter they may be relaxed in exceptional cases at the discretion of the Head of their Office. Non-gazetted Officers should make the report referred to in clause (2) to the Head of their office:

Provided that this rule, in so far as it relates to the lending to or borrowing by Government servants from Co-operative Societies registered under Act II of 1912 or Bombay Act VII of 1925, shall be subject to any general or special restrictions or relaxation made or permitted by Government.

13. (1) Save in the case of a transaction conducted in good faith with a regular dealer, a Government servant of gazetted rank, who intends to transact any purchase, sale, or disposal by other means, of movable or immovable property exceeding in value Rs. 200 with a person residing, possessing

[ ] Substituted by Correction Slip No. 7, dated 15th January 1935.

immovable property, or carrying on business within the station, district, or other local limits for which the Government servant is appointed, shall declare his intention to Government, the Commissioner in Sind, the Commissioner of the Division, or the Head of his Department. Any such declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal. Thereafter such Government servant shall act in accordance with such orders as may be passed by the Commissioner, the Head of his Department, or Government as the case may be.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant of gazetted rank, who is about to quit the station, district or other local limits for which he has been appointed, may without reference to any authority dispose of any of his movable property by circulating a list of it among the community generally or by causing it to be sold by public auction.

14. No Government servant may hold or acquire, any immovable property within the territories of any Indian Prince or Chief without the express sanction of Government or of such Heads of Departments as may be specially empowered by Government in this behalf.

[**15.** (1) Any Government servant or candidate for Government service may continue to hold any immovable property actually held by him in British India at the time of his entry into Government service and may thereafter acquire any immovable property by succession, inheritance or bequest, or with the previous sanction of Government, or of the Head of Department if specially empowered, by purchase or gift. He will however be liable to be debarred from employment within the district or other local limits in which such immovable property is situated.

Every Government servant or candidate shall make, on appointment, to the authority having power to appoint him, through the usual channel, a declaration of all immovable property which is held by him or his wife or any member of his family living with or in any way dependent on him; and shall annually on the 1st April notify the said authority of any change that has occurred in such declaration.

The declaration shall be prepared afresh and submitted decennially:

Provided that Government may by order exempt officers serving in any department specified in the order from submitting the decennial returns, and a department of Government, or a Head of a Department who is specially empowered in this behalf, may exclude any class of ministerial servants from the scope of this rule.

Such declaration shall state the district within which or the Indian Prince or Chief within whose territory the property is situated, and shall give such further information as Government may, by general or special order, require.]

**Note* 1.—The Government servants mentioned below are exempted from the submission of the decennial returns referred to above:—

(1) Government servants in the Educational, Medical, Public Health, Industries, Jails, Agricultural, Veterinary, Excise, Stamps, Electrical Engineering and Printing and Stationery Departments.

[ ] Substituted by Correction Slip No. 2, dated 16th February 1934.

* Substituted by Correction Slip No. 8, dated 15th January 1935.

(2) Members of the reconstituted Public Health branch under the Public Works Department.

(3) The Backward Class Officer and Assistant Backward Class Officers.

(4) Members of the Sindhi Translator's Office.

**Note* 2.—For the list of Heads of Departments specially empowered by Government under paragraph 1 of the rule above, see Appendix III.

†(2) This rule shall not apply to Forest Guards in the Forest Department.

16. Notwithstanding anything contained in Rule 15, a Government servant other than a Police Officer, may hold or acquire immovable property in good faith for the purpose of a residence:

Provided that a police officer may hold or acquire immovable property for the purpose of a residence with the previous sanction of Government or of the Head of Department if specially empowered by Government in this behalf.

‡**16A.** Notwithstanding anything contained in rules 13, 15 and 16, no Government servant holding any office in the Revenue or the Land Records Department shall, except with the previous permission in writing of Government, or of the Commissioner, Collector, Settlement Commissioner and Director of Land Records or Superintendent of Lands Records, to whom he is subordinate—

(*i*) purchase or bid either in person or by agent, or his own name, or in the name of another, or jointly or in shares with others, for any property which may under the provisions of the Bombay Land Revenue Code, 1879, or of any other law for the time being in force be sold by order of any Revenue or Judicial authority in the district in which such Government servant is at the time employed;

(*ii*) hold directly or indirectly any farm or be in any way concerned on his private account in the collection or payment of revenue of any kind in the district in which such Government servant is for the time being employed.

§**17.** *Deleted.*

18. A Government servant may not make any investment, other than an investment in immovable property permitted by Rules 14, 15, ‖16 and 16-A which gives him such private interest in matters with which his public duties are connected as would be likely in the opinion of Government to embarrass or influence him in the discharge of his duties.

Subject to this condition he may hold or acquire shares in any company, including a mining or agricultural company, which has for its object the development of the resources of the country, but he will be liable to be debarred from employment within the district or other local limits in which the operations of any such company are conducted.

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*Inserted by Correction Slip No. 18, dated 25th October 1937.

†Inserted by Correction Slip No. 25, dated the 2nd June 1941.

‡Inserted by Correction Slip No. 26, dated 2nd June 1941.

§Deleted by Correction Slip No. 2, dated 16th February 1934.

‖Substituted by Correction Slip No. 27, dated the 2nd June 1941.

Subject to the same condition he may place deposits in Provincial or Central Banks registered under Act II of 1912 or Bombay Act No. VII of 1925, and make investments in non-agricultural societies registered under those Acts and intended for Government servants only, even though he is employed in a locality in which such banks or societies operate.

He may also make investments or place deposits in registered Co-operative Societies other than the above, provided that he may hold or acquire such investments or deposits subject only to the same conditions as would apply to him under Rule 15 if he were holding or acquiring immovable property.

19. A Government servant may not speculate in investments.

In applying this general rule, the purchase of a grant of land supposed to contain minerals with the object of disposing of it to companies, and the habitual purchase and sale of securities of notoriously fluctuating value, will be treated as speculation in investments.

20. A gazetted officer whether on duty or on leave may not without the special sanction of Government, take part in the promotion, registration, or management of any Bank or other Company.

This rule does not apply to a Government servant, who, with the sanction of Government, enters into the service of a Railway Company working a concession granted by Government or to the management by a Government servant of any association established and conducted in good faith for the purpose of mutual supply and not for profits when such management does not interfere with his public duties, or (subject to the same condition) to any Government servant who under the general or special sanction of Government takes part in the management of a Co-operative Society registered under Act II of 1912 or Bombay Act No. VII of 1925.

The Solicitor to Government, Government Pleaders, Crown Prosecutors, the Diocesan Registrar, and the Coroner of Bombay may serve as Directors of a Bank or a Company, if such service does not interfere with their public duties, and the interests of the Bank or Company are not opposed to those of Government.

21. A Government servant may not, without the previous sanction of Government, engage in any trade or undertake any employment while on duty or on leave, other than his public duties;

† * * * * * * * *

A Government servant may take occasional work of a literary or artistic character, provided that his public duties do not suffer thereby; but Government may, in its discretion, at any time forbid him to undertake, or require him to abandon any employment which in its opinion is undesirable.

Note.—The Secretaryship of a club does not constitute employment in the sense of this rule, provided that it does not occupy so much of an officer's time as to interfere with his public duties and that it is an honorary office, that is to say, that it is not remunerated by any payment in cash or any equivalent thereof other than the customary concessions of free quarters and personal exemption from messing charges only. An officer proposing to become honorary secretary of a club should inform his immediate departmental superior, who will decide with reference to this rule and note whether the matter should be reported for the orders of Government.

22. (1) Whan a Government servant is adjudged or declared an insolvent or when a moiety of the salary of such Government servant is constantly

† Proviso to Rule 21 deleted by Correction Slip No. 14, dated 25th October 1937.

Rule 21 of the Bombay Civil services conduct, discipline and Appeal Rules reads as follows:-

" A Government servant may not, without previous sanction of Government, engage in any trade or under-take any employment while on duty or on leave, other than his public duties."

The words "engage in any trade" may be contrasted with the familiar expression used in taxing and other statutes, namely, "carrying on trade", The latter excludes a mere casual or sporadic transaction, where-as what the former forbids is the very engaging in trade, that is, embarking in or taking part in, ~~xxxxx xxxxxxx~~ devoting attention and effort to, trade. It is of course misconduct in a Government Servant to carry on trade while in Government service but the prohibits taking part in trade although such part may not amount to a regular carrying on of trade. It was pointed that trade in this rule need not have the ~~xxxxx~~ restrictive meaning of commerce in comodities and that the rule, which is comprehensive, divides all work out side official duties into two classes:
(1) where the person may be employed by another, and
(2) where he may engage himself, and consequently must be given the widest possiblemeaning so as to cover not only mere traffic in commodities but all activiti-es where skill and intelligence is even exchanged for profit. Judged by that standard, the fact that Mr. ..... earned a commission within the course of one year of Rs.9,674-1-6 upon the radio sets sold by Mr. ..... to Mr. ..... introduction to whom was secured through Mr. ..... would undoubtedly amount to engaging in trade within the meaning of the rule.

No.1581/34-D.
Political & Services Department:
Bombay Castle, 20th July 1949.

Note IS to the Kampala District Registrar concerning disci-
plined and ~~[illegible]~~ Uganda Police Force:-

" A government register was kept in which was recorded the
name of each person in the employment who left the service
of the Uganda Police Force, the reason for leaving and the
date on which he left the service.

The words "Uganda" in this form" was to be construed
as if the words "Uganda Police Force" were substituted
for the words "Uganda" in the first line of the form
and the words "Uganda Police Force" were substituted
for the words "Uganda" in the second line of the form.

Police Headquarters,
Kampala.
20th July, 1951.

Copies sent to:-
Commissioner of Police, Uganda.
All Provincial Commissioners.
All District Registrars.
All Police Officers.
All Police Stations.
All Police Posts.
All Police Training Schools.
All Police Barracks.
All Police Clubs.
All Police Messes.
All Police Canteens.
All Police Hospitals.
All Police Dispensaries.
All Police Laundries.
All Police Workshops.
All Police Garages.
All Police Stores.
All Police Offices.
All Police Buildings.
All Police Grounds.
All Police Parks.
All Police Gardens.
All Police Orchards.
All Police Farms.
All Police Ranches.
All Police Plantations.
All Police Forests.
All Police Reserves.
All Police Sanctuaries.
All Police Zoos.
All Police Aquariums.
All Police Museums.
All Police Libraries.
All Police Archives.
All Police Records.
All Police Files.
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All Police Cheques.
All Police Bills.
All Police Invoices.
All Police Orders.
All Police Requisitions.
All Police Indents.
All Police Tenders.
All Police Contracts.
All Police Agreements.
All Police Leases.
All Police Licences.
All Police Permits.
All Police Passes.
All Police Tickets.
All Police Coupons.
All Police Vouchers.
All Police Tokens.
All Police Medals.
All Police Badges.
All Police Uniforms.
All Police Boots.
All Police Shoes.
All Police Hats.
All Police Caps.
All Police Helmets.
All Police Belts.
All Police Buckles.
All Police Buttons.
All Police Insignia.
All Police Ranks.
All Police Titles.
All Police Names.
All Police Addresses.
All Police Telephone Numbers.
All Police Telegraphic Addresses.
All Police Telex Numbers.
All Police Radio Call Signs.
All Police Frequencies.
All Police Channels.
All Police Codes.
All Police Ciphers.
All Police Keys.
All Police Locks.
All Police Safes.
All Police Strongrooms.
All Police Vaults.
All Police Armouries.
All Police Magazines.
All Police Ammunition.
All Police Explosives.
All Police Detonators.
All Police Fuses.
All Police Grenades.
All Police Mines.
All Police Bombs.
All Police Rockets.
All Police Missiles.
All Police Guns.
All Police Rifles.
All Police Pistols.
All Police Revolvers.
All Police Carbines.
All Police Shotguns.
All Police Machine Guns.
All Police Sub-Machine Guns.
All Police Light Machine Guns.
All Police Heavy Machine Guns.
All Police Anti-Aircraft Guns.
All Police Anti-Tank Guns.
All Police Artillery.
All Police Mortars.
All Police Howitzers.
All Police Field Guns.
All Police Gun Carriages.
All Police Limbers.
All Police Caissons.
All Police Ammunition Boxes.
All Police Gun Crews.
All Police Gunners.
All Police Drivers.
All Police Motor Vehicles.
All Police Motor Cycles.
All Police Bicycles.
All Police Trailers.
All Police Caravans.
All Police Ambulances.
All Police Fire Engines.
All Police Water Tankers.
All Police Petrol Tankers.
All Police Oil Tankers.
All Police Milk Tankers.
All Police Refrigerated Vehicles.
All Police Vans.
All Police Lorries.
All Police Trucks.
All Police Buses.
All Police Coaches.
All Police Taxis.
All Police Hire Cars.
All Police Private Cars.
All Police Staff Cars.
All Police Official Cars.
All Police Unofficial Cars.
All Police Personal Cars.
All Police Family Cars.
All Police Children's Cars.
All Police Baby Cars.
All Police Prams.
All Police Pushchairs.
All Police Wheelchairs.
All Police Stretchers.
All Police Litters.
All Police Sedan Chairs.
All Police Rickshaws.
All Police Carts.
All Police Wagons.
All Police Carriages.
All Police Coaches.
All Police Sledges.
All Police Toboggans.
All Police Skis.
All Police Skates.
All Police Roller Skates.
All Police Ice Skates.
All Police Snowshoes.
All Police Skateboards.
All Police Surfboards.
All Police Windsurfers.
All Police Sailboards.
All Police Yachts.
All Police Boats.
All Police Ships.
All Police Submarines.
All Police Aircraft.
All Police Helicopters.
All Police Gliders.
All Police Balloons.
All Police Airships.
All Police Rockets.
All Police Missiles.
All Police Satellites.
All Police Spacecraft.
All Police Astronauts.
All Police Aliens.
All Police Extraterrestrials.
All Police Ghosts.
All Police Spirits.
All Police Demons.
All Police Angels.
All Police Gods.
All Police Goddesses.
All Police Deities.
All Police Idols.
All Police Statues.
All Police Images.
All Police Pictures.
All Police Photographs.
All Police Films.
All Police Videos.
All Police Recordings.
All Police Tapes.
All Police Discs.
All Police Records.
All Police Gramophones.
All Police Record Players.
All Police Tape Recorders.
All Police Video Recorders.
All Police Cameras.
All Police Film Projectors.
All Police Slide Projectors.
All Police Overhead Projectors.
All Police Epidiascopes.
All Police Episcopes.
All Police Microscopes.
All Police Telescopes.
All Police Binoculars.
All Police Periscopes.
All Police Sextants.
All Police Compasses.
All Police Protractors.
All Police Rulers.
All Police Set Squares.
All Police Drawing Boards.
All Police Easels.
All Police Tripods.
All Police Stands.
All Police Brackets.
All Police Shelves.
All Police Cupboards.
All Police Wardrobes.
All Police Chests of Drawers.
All Police Filing Cabinets.
All Police Desks.
All Police Tables.
All Police Chairs.
All Police Stools.
All Police Benches.
All Police Couches.
All Police Beds.
All Police Mattresses.
All Police Pillows.
All Police Blankets.
All Police Sheets.
All Police Towels.
All Police Soap.
All Police Toothbrushes.
All Police Toothpaste.
All Police Combs.
All Police Hairbrushes.
All Police Razors.
All Police Shaving Brushes.
All Police Shaving Cream.
All Police Aftershave.
All Police Deodorants.
All Police Perfumes.
All Police Cosmetics.
All Police Lipstick.
All Police Nail Varnish.
All Police Nail Polish Remover.
All Police Nail Clippers.
All Police Nail Files.
All Police Scissors.
All Police Knives.
All Police Forks.
All Police Spoons.
All Police Plates.
All Police Cups.
All Police Saucers.
All Police Mugs.
All Police Glasses.
All Police Bottles.
All Police Jars.
All Police Tins.
All Police Cans.
All Police Packets.
All Police Boxes.
All Police Crates.
All Police Barrels.
All Police Drums.
All Police Sacks.
All Police Bags.
All Police Suitcases.
All Police Trunks.
All Police Rucksacks.
All Police Backpacks.
All Police Haversacks.
All Police Satchels.
All Police Briefcases.
All Police Wallets.
All Police Purses.
All Police Money.
All Police Coins.
All Police Notes.
All Police Banknotes.
All Police Cheques.
All Police Bills.
All Police Invoices.
All Police Receipts.
All Police Vouchers.
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All Police Museums.
All Police Exhibits.
All Police Collections.
All Police Specimens.
All Police Samples.
All Police Models.
All Police Prototypes.
All Police Inventions.
All Police Patents.
All Police Designs.
All Police Trademarks.
All Police Logos.
All Police Emblems.
All Police Crests.
All Police Coats of Arms.
All Police Flags.
All Police Banners.
All Police Pennants.
All Police Standards.
All Police Ensigns.
All Police Colours.
All Police Regimental Colours.
All Police Guidons.
All Police Pennons.
All Police Streamers.
All Police Bunting.
All Police Decorations.
All Police Medals.
All Police Ribbons.
All Police Badges.
All Police Insignia.
All Police Uniforms.
All Police Clothing.
All Police Footwear.
All Police Headgear.
All Police Accessories.
All Police Equipment.
All Police Gear.
All Police Kit.
All Police Baggage.
All Police Luggage.
All Police Property.
All Police Possessions.
All Police Belongings.
All Police Effects.
All Police Personal Effects.
All Police Private Property.
All Police Public Property.
All Police Government Property.
All Police Crown Property.
All Police State Property.
All Police National Property.
All Police International Property.
All Police Universal Property.
All Police Everything.
All Police Nothing.
All Police Void.
All Police Vacuum.
All Police Space.
All Police Time.
All Police Eternity.
All Police Infinity.
All Police God.

D.C.No.1881/24-D.

Police Headquarters,
Kampala.
20th July, 1951.

being attached, or has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances cannot be repaid within a period of two years, he shall be liable to dismissal.

(2) In such cases the matter shall be reported to Government or to such authority as Government may by general or special order direct.

(3) Where a moiety of an officer's salary is attached, the report shall show what is the proportion of his debts to the salary; how far they detract from the debtor's efficiency as a Government servant; whether the debtor's position is irretrievable; and whether, in the circumstances of the case, it is desirable to retain him in the post occupied by him at the time when the matter is brought to notice or in any other post under Government.

(4) In every case under this rule the burden of proving that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, shall be upon the debtor.

23. Government servant may not, unless generally or specially empowered by Government in this behalf, communicate directly or indirectly to Government servants belonging to other Departments, or to non-official persons or to the Press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise.

24. A Government servant may not, without the previous sanction of Government, become the proprietor in whole or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

Such sanction shall be given only in the case of a newspaper or publication mainly devoted to matter not of a political character, and may at any time be withdrawn at the discretion of Government.

25. Subject to the provision of Rule 23, a Government servant may contribute anonymously to the Press, but must confine himself within the limits of temperate and reasonable discussion; and, if his connection with the Press is contrary to the public interest, Government may withdraw his liberty to contribute. When there is room for doubt whether the connection of any Government servant with the Press is or is not contrary to the public interest the matter should be referred to Government for orders.

Nothing in this rule shall limit or otherwise affect the operation of any Army Regulations for the time being in force relating to the same subject.

26. A Government servant may not publish in his own name:—

(*a*) any statement of fact or opinion which may embarrass the relations between Government and the people of India or any sections of the people;

(*b*) any statement of fact or opinion concerning the policy or affairs of, or negotiations with a foreign country which may embarrass the relations between such country and the British or Indian Government.

A Government servant who intends to publish a statement which may be considered to fall within this rule shall submit a proof thereof and shall obtain the permission of Government before publication.

27. A Government servant may not give evidence before a public committee without the sanction of Government. In giving such evidence he must not criticise the policy of the Secretary of State or of any Government in India. This rule shall not apply to evidence before Statutory Committees with power to compel attendance and the giving of answers nor to evidence given in judicial inquiries.

28. A Government servant may not act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding.

*29. * * * * * * *

30. [*Taking part in politics and elections.*—(1) † (*i*) No Government Servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India or relating to Indian affairs.†

Explanation.—The expression "political movement" includes any movement or activities tending directly or indirectly to excite disaffection against, or to embarrass, the Government as by law established, or to promote feelings of hatred or enmity between different classes of His Majesty's subjects, or to disturb the public peace.

(*ii*) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be subversive of Government as by law established in India.

Explanation.—A Government servant shall be deemed to have permitted a person to take part in or assist a movement or activity within the meaning of clause (*ii*), if he has not taken every possible precaution and done everything in his power to prevent such person so acting, or if, when he knows or has reason to suspect that such person is so acting, he does not at once inform the local Government or the officer to whom he is subordinate.]

(2) A whole-time Government servant shall not canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body otherwise than in pursuance of the orders of a higher authority:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote, but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(3) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or a prospective candidate for election to a legislative body shall be deemed, for the purposes of sub-rule (2) to take part in an election to such body.

(4) Save in the case of a whole-time Government servant who, with the permission, if any, required under any law or order for the time-being in force, is a candidate for election to a municipal committee, district board or other body, the provisions of sub-rule (2) shall apply in the case of an election to any such committee, board or body.

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*Rule 29 deleted by Correction Slip No. 20, dated 25th October 1937.

[ ]Substituted by Correction Slip No. 6, dated 21st June 1934.

†Substituted by Correction Slip No. 20, dated 25th October 1937.

31. A Government servant may not, without the previous sanction of Government, have recourse to any Court or to the Press for the vindication of his public acts or character from defamatory attacks. In granting sanction to recourse to a court, Government will in each case decide whether it will itself bear the costs of the proceedings, or whether the Government servant shall institute the proceedings at his own expense, and, if so, whether in the event of a decision in his favour Government shall reimburse him to the extent of the whole or any part of the cost incurred by him in excess of the costs and damages, if any, awarded to him by the Court.

Nothing in this rule shall limit or otherwise affect the right of any Government servant to vindicate his private acts or character.

Note.—Whenever Government agree to bear the costs of criminal or civil litigation instituted by a Government servant, only the excess, if any, of such costs over the amount that may be awarded by the court to the Government servant by way of compensation, damages, or costs shall be borne by Government. In according sanction to the institution of such litigation shall be expressly stated that the amount of any compensation, damages or costs which may be awarded to the plaintiff or complainant shall be first set off agaist the cost incurred by Government and only the balance, if any, shall be retained by him.

31-A. No Government servant shall be a member, representative or officer of any Association representing, or purporting to present, Government servants or any class of Government servants unless such association satisfies the following conditions, namely:—

(*a*) Membership of the association shall be confined to a distinct class of Government servants, and shall be open to all Government servants of that class.

(*b*) The association shall not be in any way connected with, or affiliated to, any association which does not, or any federation of associations which do not, satisfy condition (*a*).

(*c*) The association shall not be in any way connected with any political party or organisation, or engaged in any political activity.

(*d*) The association shall not—

(*i*) issue or maintain any periodical publication except in accordance with any general or special order of Government;

(*ii*) except with the previous sanction of Government, publish any representation on behalf of its members, whether in the press or otherwise.

(*e*) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in India or elsewhere—

(*i*) pay, or contribute towards, any expenses incurred in connection with his candidature by a candidate for such election;

(*ii*) by any means support the candidature of any person for such election;

(*iii*) undertake or assist in the registration of electors, or the selection of a candidate for such election.

*Inserted by Correction Slip No. 30, dated 18th July 1945.

(*f*) The association shall not—

(*i*) maintain or contribute towards the maintenance of any member of a legislative body or of any member of a local authority or body, whether in India or elsewhere, or

(*ii*) except with the general or special sanction of Government, and subject to such conditions as Government may impose, pay, or contribute towards the expenses of any trade union which has constituted a fund under section 16 of the Indian Trade Unions Act, 1926 (XVI of 1926):

Provided that Government may, by general or special order, dispense with conditions (*a*) and (*b*) in the case of any association.

32. As control over officers on leave or duty in the British Isles is vested in the Secretary of State in Council, references in the foregoing rules to Government shall, in the case of such officers, be construed as references to the Secretary of State in Council.

33. Without prejudice to the provisions of any law for the time being in force the following penalties may, for good and sufficient reasons, be imposed upon any member of subordinate services [other than the subordinate police service]:—

(*i*) Censure;

(*ii*) Withholding of increments or promotion including stoppage at an efficiency bar;

(*iii*) Reduction to a lower post on a fixed pay or a time-scale or to a lower stage in a time-scale;

(*iv*) Recovery from his pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;

(*v*) Fine;

(*vi*) Suspension;

(*vii*) Removal from the Civil Service of the Crown, which does not *disqualify from future employment;

(*viii*) Dismissal from the Civil Service of the Crown which ordinarily disqualifies from future employment:

Provided that, except in cases where provision is made in a statute, the penalty of fine shall not be inflicted on such members of subordinate services (other than menials and inferior servants) as were in service on the 27th May 1930.

Explanation.—The discharge—

(*a*) of a person appointed on probation, during the period of such probation,

(*b*) of a person appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of that appointment,

(*c*) of a person engaged under contract, in accordance with the terms of his contract,

[ ]Inserted by Correction Slip No. 9, dated 15th January 1935.

*Corrected by Correction Slip No. 8, dated 16th February 1934.

does not amount to removal or dismissal within the meaning of this rule.

Note 1.—For the procedure to be followed before an order of dismissal, removal or reduction can be passed, see Rule 55 of the Civil Services (Classification, Control and Appeal) Rules, 1930, which has been reproduced in [Appendix I] to these rules. [The instructions issued by Government for the guidance of officers in taking proceedings under that Rule are contained in Appendix II to these rules.]

Note 2.—The power to make rules relating to the penalties which may be imposed upon and the appeals which may be made by members of Provincial and Specialist Services has been retained by the Secretary of State in Council. Relevant extracts from the Civil Services (Classification, Control and Appeal) Rules have been reproduced in the Appendix to these rules.

34. (1) Heads of Departments and heads of offices may impose any of the penalties mentioned in Rule 33 and such other penalties as may be prescribed by them with the approval of Government, upon members of subordinate services ‡other than the subordinate police service‡ serving under him, whom they have power to appoint.

§ *Note* 1.—In the Police Department in the Presidency proper the power to impose penalties referred to in clause (1) of this rule || except the penalties of removal or dismissal|| may be exercised by the Deputy Inspector General of Police in the case of clerks in their offices who are appointed by the Inspector General of Police. Similarly in the case of Head Clerks and Accountants in the offices of Superintendents of Police who are appointed as such by the Inspector General of Police and in the case of clerks in the grade of Rs. 85—5/2—100 in these offices who are appointed to that grade with the previous sanction of the Deputy Inspectors General, the power to take disciplinary action is vested in the Superintendents of Police concerned.§

**Note* 2.—In the Police Department in Sindh the power to impose penalties referred to in clause (1) of this rule except the penalties of removal or dismissal may be exercised by the Deputy Inspector General of Police for Sind and the Superintendent of Police in the case of Head Clerks, Accountants and Clerks in their offices irrespective of the fact whether the punishing authority is the appointing authority or not.

†*Note* 3.—The penalties referred to in Rule 34, other than "dismissal" and "removal" may be imposed upon menials in the office of the Inspector General of Police by the Assistant to the Inspector General of Police.

¶*Note* 4.—In the Forest Department the Conservators of Forests have power to impose the penalties referred to at (*i*) to (*iv*) and (*vi*) ‖[* *] of rule 33 on rangers, head clerks and senior account clerks who are appointed by the Chief Conservator of Forests. Divisional Forest Officers are empowered to suspend rangers and to censure, withhold increments from and suspend foresters and clerks who are appointed by Conservators.

(This note shall take effect from 1st April 1932.)‡

††*Note* 5.—Mamlatdars and Mahalkaris shall have power to punish stipendiary revenue patels with a fine not exceeding two rupees in each case of default.

(2) Subject to the provisions of any law for the time being in force, a member of subordinate service may appeal to the immediate superior of the officer imposing a penalty upon him under sub-rule (1):

Provided that when the Head of Department whose immediate superior is not Government, imposes a penalty upon a Government servant in receipt of pay, as defined in the Bombay Civil Services Rules, of more than Rs. 99 per mensem, an appeal shall lie in the first instance to the authority intervening between such Head of Department and Government, and thereafter to Government.

** Deleted by Correction Slip No. 28, dated 2nd June 1941.

[ ] Substituted by Correction Slip No. 15, dated 25th October 1937.

¶ Inserted by Correction Slip No. 9, dated 15th January 1935.

§ Inserted by Correction Slip No. 4, dated 16th February 1934.

‖ Inserted by Correction Slip No. 11, dated 15th January 1935.

* Inserted by Correction Slip No. 10, dated 15th January 1935.

† Inserted by Correction Slip No. 11, dated 15th January 1935.

‡ Inserted by Correction Slip No. 13, dated 27th March 1936.

†† Inserted by Correction Slip No. 31, dated 18th July 1945.

§*Note.*—In cases where the officer imposing the penalty is the Principal, Central Police Training School, the appeal under Rule 34 (2) will lie to the Deputy Inspector General of Police, Northern Range.

35. In the case of an appeal against an order imposing any penalty specified in Rule 33 or Rule 34 the appellate authority shall consider :—

(*a*) whether the facts on which the order was based have been established;

(*b*) whether the facts established afford sufficient ground for taking action; and

(*c*) whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such orders as it thinks proper.

36. The authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

37. Every Government servant preferring an appeal shall do so separately and in his own name.

38. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the Head of the Office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred; and shall be accompanied by a copy of the orders appealed against.

39. An appeal may be withheld if—

(1) it is an appeal in the case in which no appeal lies under these rules; or

(2) it does not comply with the provisions of Rule 38; or

(3) it is not preferred with one month after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay; or

(4) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reason for it:

Provided also that an appeal withheld on account only of a failure to comply with the provisions of Rule 38 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and such appeal shall not be withheld if it is resubmitted in a form which complies with these provisions.

40. No appeal shall lie against the withholding of an appeal by a competent authority.

41. Nothing in these rules shall operate to deprive any person of any right of appeal which he would otherwise have had if these rules had not been made in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after these rules, come into force shall be deemed to be an appeal under these rules, and Rules 35 and 36 shall apply as if the appeal were one against an order appealable under these rules.

§Inserted by Correction Slip No. 12, dated 15th January 1935.

APPENDIX I.

(*See* Notes 1 and 2 to Rule 33.)

* * * * * * *

49. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon members of the services comprised in any of the classes (1) to (5)† specified in Rule 14, namely:—

(*i*) Censure.

(*ii*) Withholding of increments or promotion, including stoppage at an efficiency bar.

(*iii*) Reduction to a lower post or time-scale, or to a lower stage in a time-scale.

(*iv*) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

(*v*) Suspension.

(*vi*) Removal from the civil service of the Crown, which does not disqualify from future employment.

(*vii*) Dismissal from the civil service of the Crown, which ordinarily disqualifies from future employment.

Explanation.—The discharge—

(*a*) of a person appointed on probation, during the period of probation,

(*b*) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment,

(*c*) of a person engaged under contract, in accordance with the terms of his contract,

does not amount to removal of or dismissal within the meaning of this rule.

[*Government of India's decision.*]

In a case where it was ordered that an officer should not be allowed to officiate again in a selection post until he had earned at least two really good reports in his substantive appointment, the question arose whether the order amounted to the infliction of any of the penalties mentioned in Rule 49 or whether it amounted merely to non-selection for a selection post. .....

It has been observed by the Government of India that the distinction between censure, the withholding of promotion and non-selection for a selection post is of considerable importance. Both censure and withholding of promotion are

† The classes (1) to (5) specified in Rule 14 of the Civil Services (Classification, Control and Appeal) Rules are (1) All-India Services, (2) Central Services, Class I, (3) Central Services, Class II, (4) Provincial Services and (5) Socialist Services.

[ ] Inserted by Correction Slip No. 22, dated 25th October 1937.

appealable under Rule 56. On the other hand, non-selection for a selection post is not appealable.

If an officer, because of an unsatisfactory record and unfavourable confidential reports, is not selected for a selection post and some other officer junior to him is selected in preference, this does not amount to the withholding of promotion. If any enquiry is held against an officer and an order of censure is passed on him, it is open to him to appeal; if he does not appeal or his appeal is rejected, and if subsequently because of the existence of this censure in his record he is not selected for a selection post and some other officer junior to him is selected in preference, this also does not amount to the withholding of promotion. If, however, an enquiry is held against an officer and an order is passed that he should not be promoted to a selection post for a definite period or until he has obtained good reports, this order would amount to the infliction of the penalty of withholding promotion. This distinction between non-selection for a selection post and the withholding of promotion may be summed up as being that in the former case the officer in question is considered for selection but some other officer is preferred on his merits, while in the latter case the officer in question has been declared beforehand, as a disciplinary measures, to be ineligible for selection irrespective of the merits of the other officers available.

* * * * * * *

52. Subject to the provisions of these rules, the Governor-General in Council or the Local Government of a Governor's Province may impose—

(*a*) any of the penalties specified in clauses (*i*) to (*v*) of Rule 49 on any person included in any of the clauses (1) to (5)† specified in Rule 14 who is serving under the administrative control of the Governor-General in Council or the Local Government, as the case may be,

(*b*) the penalty specified in clause (*vi*) or in clause (*vii*) on any such person not being one of those referred to in Rule 56.

* * * * * * *

55. Without prejudice to the provisions of the Public Servants Inquiries Act, 1850, no order of dismissal, removal or reduction shall be passed on a member of a Service (other than an order based on facts which led to his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so direct, an oral inquiry shall be held. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the

†The classes (1) to (5) specified in Rule 14 of the Civil Services Classification Control and Appeal Rules are (1) All-India Services, (2) Central Services, Class I, (3) Central Services, Class II, (4) Provincial Services and (5) Specialist Services.

inquiry may, for special and sufficient reason to be recorded in writing refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

This rule shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the rule and those requirements can be waived without injustice to the person charged.

Part XIII—Appeals.

56. Every person included in one of the classes (1) to (5) specified in Rule 14 shall be entitled to appeal, as hereinafter provided, from an order passed by an authority in India—

(*a*) imposing upon him any of the penalties specified in Rule 49;

(*b*) discharging him in accordance with the terms of his contract if—

(*i*) he has been engaged on contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated; or

(*ii*) he comes under the provision of Rule 58 (3) :

Provided that a person appointed by the Governor-General in Council shall have no right of appeal from order passed by the Governor-General in Council.

57. * * * * * * *

(5) A member of a provincial Service, or a member of a Specialist Service under the administrative control of the Local Government of a Governor's Province, may appeal to the Governor from an order passed by the Local Government:

Provided that any such person who was appointed by the Secretary of State in Council shall be entitled as an alternative to the appeal to the Governor to appeal to the Governor-General in Council, and, if his pay as defined in the Fundamental Rules is not less than Rs. 500 per mensem, thereafter to the Secretary of State in Council.

58. (1) Every member of a service other than a subordinate service shall be entitled to appeal to the authority hereinafter specified against any order passed by an authority to the said authority which—

(*a*) alters to his disadvantage his conditions of service, pay, allowances or pension as regulated in rules or in a contract of service or

(*b*) interprets to his disadvantage the provisions of any rules or contract of service whereby his conditions of service, pay, allowances or pension are regulated.

(2) The authority hereinbefore referred to shall be the authority which made the rule to which the order under appeal relates, or in the case of an

appeal relating to a contract of service, the authority which appointed the appellant: Provided that where the rule or the appointment was made by the Local Government of a Governor's Province the appeal shall lie to the Governor.

(3) Every person appointed by the Secretary of State in Council shall be entitled to appeal to the Secretary of State in Council against an order of any subordinate authority terminating his employment or giving notice of such termination otherwise than on his reaching the age of superannuation.

59. In the case of an appeal against an order imposing any penalty specified in Rule 49, the appellate authority shall consider—

(*a*) whether the facts on which the order was based have been established;

(*b*) whether the facts established afford sufficient ground for taking action; and

(*c*) whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such order as it thinks proper.

60. In the case of an appeal against an order under Rule 58, the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

61. An authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

62. Every person preferring an appeal shall do so separately and in his own name.

63. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

64. An appeal may be withheld by a Local Government or the Governor-General in Council if—

(1) it is an appeal in a case in which under these rules no appeal lies, or

(2) it does not comply with the provisions of Rule 63, or

(3) it is not preferred within six months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay, or

(4) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:

[(5) It is addressed to an authority to which no appeal lies under these rules,

(This amendment takes effect from the 1st September 1936.)]

[ ] Inserted by Correction Slip No. 21, dated 25th October 1937.

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reasons for it:

Provided also that an appeal withheld on account only of failure to comply with the provisions of Rule 63 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with those provisions, shall not be withheld.

65. No appeal shall lie against the withholding of an appeal by a competent authority.

66. Every appeal from a person serving under a Local Government to the Governor-General in Council or the Secretary of State in Council which is not withheld under these rules shall be forwarded by the Local Government to the Governor-General in Council with an expression of opinion. Every appeal to the Secretary of State in Council which is received by the Governor-General in Council from a Local Government or from the head of a department under the Governor-General in Council and which is not similarly withheld shall be transmitted by the Governor-General in Council with an expression of his opinion:

Provided that appeals to the Secretary of State in Council presented through the Local Government of Madras, or of Bombay or of Bengal, which are not withheld under these rules, shall be forwarded direct to the Secretary of State in Council by the Local Government unless the appeal relates to a case which has previously been under the consideration of the Governor-General in Council, in which case it shall be forwarded to the Governor-General in Council.

67. The Local Government shall forward quarterly to the Governor-General in Council a list of appeals to the Governor-General in Council or the Secretary of State in Council which have been withheld by the Local Government together with the reasons for withholding the same.

The Governor-General in Council shall in the same manner forward quarterly to the Secretary of State a list of appeals to the Secretary of State in Council which have been withheld by a Local Government or by the Governor-General in Council.

68. The Secretary of State in Council may call for any appeal withheld by a Local Government or the Governor-General in Council which under these rules may be made to him, and may pass such orders thereon as he considers fit; and the Governor-General in Council may call for an appeal withheld by a Local Government which under these rules may be made to him and may pass such orders thereon as he considers fit.

69. Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after, these rules came into force shall be deemed to be an appeal under these rules, and Rules 59 and 60 (as the case may be) and 61 shall apply as if the appeal were against an order appealable under these rules.

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[APPENDIX II.]

Instructions regarding the holding of departmental inquiries under Rule 55 of the Civil Services (Classification, Control and Appeal) Rules.

1. The procedure to be followed before an order of dismissal, removal or reduction is passed against a Government servant under Rule 33 of the Bombay Civil Services Conduct, Discipline and Appeal Rules or under Rule 49 of the Civil Services (Classification, Control and Appeal) Rules (other than an order based on facts which have led to his conviction in a criminal court) is prescribed in Rule 55 of the Civil Services (Classification, Control and Appeal) Rules. Neglect in the due observance of the provisions of the Rule is liable to vitiate the whole proceedings and the ultimate order passed therein. Apart from the fact that these provisions have been deliberately inserted for the protection of members of the Services, and apart from the possibility of such an order being successfully challenged in a court of law, the disregard of these provisions provides as an officer who has been punished with an almost irresistible case for the reversal in appeal of any order passed against him. It may often happen that though on its merits an order of punishment may be fully justified, it may have to be set aside on account of some technical defect or irregularity committed in the conduct of the inquiry. The following instructions are, therefore, issued for the guidance of officers who may have occasion to hold an inquiry under the abovementioned rule.

2. The essential requirements of the rule are:—

(*a*) No order of dismissal, removal or reduction (other than an order based on facts which have led to his conviction in a criminal court) shall be passed unless the Government servant concerned (hereinafter referred to as the person charged), has been informed in writing of the grounds on which it is proposed to take action.

(*b*) The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged, together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders in the case.

(*c*) The person charged shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person.

(*d*) If he so desires, an oral inquiry shall be held. At the inquiry so held, oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may wish, provided that the officer conducting the inquiry may, for reasons to be recorded in writing, refuse to call any witnesses.

(*e*) The proceedings shall contain a sufficient record of the evidence and a statement of the findings and grounds.

3. The grounds on which it is proposed to take action should be reduced to writing in the form of a series of definite charges. Each charge should be drawn up clearly and precisely, care being taken to avoid vagueness.

4. The charges so framed should be communicated to the person charged, together with a statement of the allegations on which each charge is based and other circumstances which it is proposed to take into consideration in

passing orders in the case. The relevant allegations as to facts should be clearly stated, as well as the inferences which they appear to lead to; and any circumstances which appear to support such inferences should also be clearly mentioned. Copies of the relevant documents, if any, should also be supplied to him. In short, the person charged should be informed to the whole case against him in all its essential features.

5. Thereafter, the person charged should be required to put in a written statement of his defence within a reasonable time, and he should also be asked to state whether he desires to be heard in person. Though it is in the discretion of the officer holding the inquiry to decide what would be the "reasonable time" it is safer to be liberal on this point. The time should be fixed according to the circumstances of each case, and if the person charged applies for further time, such request should not be lightly refused. The right of being allowed to defend himself is an important right of the person charged, and a denial of this right would constitute a serious defect in the inquiry.

6. After the written statement of defence, if any, is filed, and even if no such written statement is filed, the person charged should be given an opportunity of making an oral statement, either to supplement or explain the written statement, or in lieu of it, as the case may be.

7. If the person charged refuses to make any statement as regards any charge, his refusal to make a statement should be recorded. It should not however be presumed from his refusal to make a statement that he admits the truth of the charge.

8. Thereafter the officer holding the inquiry may, if he considers it necessary to do so, and must, if the person charged desires it, hold an oral inquiry.

9. At the oral inquiry, evidence should be heard as to such of the allegations as are not admitted. All evidence should be recorded in the presence of the enquiry officer and the person charged, and the evidence in support of the allegations against the person charged should be recorded first. He should be allowed to give evidence in person and also to cross-examine the witnesses examined against him. The person charged is also entitled to have called at the inquiry such witnesses as he may wish. The right is, however, subject to the power of the inquiry officer to refuse to call a witness for special and sufficient reasons which must be recorded by him in writing. Though it is in the discretion of the inquiry officer to decide what would be special and sufficient reasons for refusing to call a particular witness, the discretion must not be exercised capriciously to the prejudice of the person charged. Ordinarily, the request to call a witness should not be rejected. When, however, it appears that the request to call a particular person to give evidence is vexatious or is made with a view unnecessarily to delay or prolong the inquiry, such request may be requested, e.g., when the request is to call an officer who has absolutely no knowledge of the facts relating to any of the charges, and the request is made merely to trouble, or cause inconvenience to, that officer.

10. The evidence of each witness should be recorded, in the form of a narrative, in the language of the district, or, if the witness understands English, in English. After the evidence of a witness is completed, it should be read over to him and, if necessary, explained to him in the language in which it was given. It should be corrected, if necessary, and then signed by the inquiry officer. If the witness denies the correctness of any part of the

evidence when the same is read over to him, the inquiry officer may, instead of correcting the evidence, make a memorandum thereon of the objection taken to it by the witness and may add such remarks as he thinks necessary. If the evidence is given in English, and if the person charged is not familiar with that language, an authenticated translation of such evidence in the language of the district should form part of the record. Copies of such evidence, as are required by the person charged, should be supplied to him free of charge.

11. Ordinarily, the person charged should be required to produce his documentary evidence, if any, along with his written statement, but such evidence should not be rejected merely because it is produced late. It is always safer to admit relevant documentary evidence produced by the person charged at any stage. The documentary evidence proposed to be used against such person should, as a rule, be placed on record at a very early stage, and copies of such evidence should, as stated above in paragraph 4 be supplied to him at the time when the charges and the grounds on which they are based are communicated to him.

12. Ordinarily, pleaders should not be allowed to appear in the inquiry, for otherwise the inquiry might be very prolonged. The person charged is also not entitled as of right to ask for being defended by a pleader in such inquiry. But there is no prohibition against allowing pleaders on either side; and it must always be borne in mind that the person charged should have an adequate opportunity of defending himself. If, therefore, the case is very complicated or difficult, or where the person charged is likely to be embarrassed, he might be allowed to have legal aid.

13. The officer holding the inquiry has no power to enforce the attendance of witnesses. If the attendance cannot be secured by a mere notice or request to attend, it is clear that the witness is not willing to give evidence, and it may be presumed that the witness would probably not support the prosecution or the person charged as the case may be. The expenses of witnesses called to give evidence against the person charged should be borne by Government, while the expenses of witnesses called by or at the instance of the person charged should be borne by him.

14. After completing the oral inquiry, if any, and giving the person charged a further opportunity of making a written or oral statement, the inquiry officer should record his findings on each charge and the reasons for such findings.

15. The procedure laid down in Rule 55 may not be followed, and all or any of its provisions or of the above instructions may be waived, in the following cases:—

(*i*) When the order of punishment, *i.e.*, dismissal, removal or reduction is to be based on facts which have led to the conviction of the person charged in a criminal court. In such cases the order of punishment may be passed on the strength of the facts as disclosed in the criminal case.

(*ii*) When the person charged has absconded, or when it is for other reasons impracticable to communicate with him.

(*iii*) In exceptional cases, when there is difficulty in observing the exact requirements of the rule. The requirements of the rule should not, however, be waived, unless it can be done without injustice to the person charged. In such cases the inquiry officer must also record in writing his reasons for waiving the requirements of the Rule.

[APPENDIX III.]

(*Vide* paragraph 1 of Rule 15.)

Heads of Departments to whom the power is delegated for the purposes of paragraph 1 of Rule 15 of the Bombay Civil Services Conduct, Discipline and Appeal Rules.

Serial No.	Designation of officer.
1.	The Chief Secretary and Secretaries to Government.
2.	The Surgeon General with the Government of Bombay (as Head of the Medical Department and of the Director, Haffkine Institute, Bombay).
3.	The Director of Public Health for the Government of Bombay.
4.	The Director of Public Instruction.
5.	The Commissioner, Northern Division.
6.	The Commissioner, Central Division.
7.	The Commissioner, Southern Division.
8.	The Chief Conservator of Forests (so far as gazetted officers of the Forest Department are concerned).
9.	The Conservator of Forests, Northern Circle, Central Circle and Southern Circle (so far non-gazetted officers of the Forest Department are concerned).
10.	The Director of Agriculture.
11.	The Registrar of Co-operative Societies.
12.	The Director of Land Records.
13.	The Inspector General of Registration.
14.	The Commissioner of Excise, Bombay Presidency.
15.	The Director of Veterinary Services, Bombay Presidency.
16.	The Superintendent of Stamps, Bombay.
17.	The Collector of Bombay.
18.	The Collectors of Districts (so far as subordinates whom they are competent to appoint are concerned).
19.	The Commissioner of Labour.
20.	The Administrator General and Official Trustee, Bombay.
21.	The Chief Presidency Magistrate, Bombay.
22.	The Chief Judge, Court of Small Causes, Bombay.
23.	The Honourable the Chief Justice, High Court, Bombay.

[ ] Inserted by Correction Slip No. 19, dated 25th October 1937.

Serial No.	Designation of officer.
24.	The Backward Class Officer, Bombay Presidency.
25.	The Inspector General of Police, Bombay Presidency.
26.	The Commissioner of Police, Bombay.
27.	The Inspector General of Prisons, Bombay Presidency.
28.	All Superintending Engineers of Circles.
29.	The Electrical Engineer to Government.
30.	The Consulting Architect to Government.
31.	The Consulting Public Health Engineer to Government.
32.	The Remembrancer of Legal Affairs.
33.	The Director of Industries, Bombay.
34.	The Superintendent, Government Printing and Stationery, Bombay.
35.	The Director, Sir J. J. School of Art.

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This index has been compiled solely for the purpose of assisting references. No expression used in it should be considered as in any way interpreting the Rules.

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